

UNITED STATES OF AMERICA

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge Bruce M. Selya
United States Court of Appeals
First Circuit

Judge Julia Smith Gibbons
United States Court of Appeals
Sixth Circuit

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
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February 14, 2003

NOTICE OF HEARING SESSION

Dear Counsel:

Pursuant to the order of the Judicial Panel on Multidistrict Litigation filed today, you are hereby notified that a hearing session has been scheduled to consider various matters pursuant to 28 U.S.C. § 1407.

DATE OF HEARING SESSION: March 27, 2003

LOCATION OF HEARING SESSION: United States District Court
Courtroom VI, 4th Floor
85 Broad Street
Charleston, South Carolina 29401


TIME OF HEARING SESSION: In those matters designated for oral argument, counsel presenting oral argument must be present at **8:30 a.m.** in order for the Panel to allocate the amount of time for oral argument. Oral argument will commence at **9:30 a.m.**

Please direct your attention to the enclosed Hearing Session Order and Schedule of Matters for Hearing Session for a listing of the matters scheduled for consideration at this hearing session.

- Section A of this Schedule lists the matters designated for oral argument.
- Section B of this Schedule lists the matters that the Panel has determined to consider **without oral argument**, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001).

For those matters listed on Section A of the Schedule, the enclosed blue "Notice of Presentation or Waiver of Oral Argument" must be returned to this office no later than **March 10, 2003**. Note the procedures governing Panel oral argument which are outlined on the enclosed "Procedures for Oral Argument before the Judicial Panel on Multidistrict Litigation." These procedures are strictly adhered to and your cooperation is appreciated.

Very truly,


Michael J. Beck
Clerk of the Panel

c: Clerk, U.S. District Court for the District of South Carolina

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION
FILED

FEB. 14, 2003

MICHAEL J. BECK
CLERK OF THE PANEL

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, BRUCE M. SELYA, JULIA SMITH GIBBONS, D. LOWELL JENSEN, J. FREDERICK MOTZ AND ROBERT L. MILLER, JR., JUDGES OF THE PANEL

HEARING SESSION ORDER

IT IS ORDERED that on March 27, 2003, a hearing session will be held in Charleston, South Carolina, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

IT IS FURTHER ORDERED that at said hearing session the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section A of the attached Schedule shall be designated for oral argument.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section B of the attached Schedule shall be considered without oral argument, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001). The Panel reserves the prerogative, on any basis including submissions of parties pursuant to Panel Rule 16.1(b), to issue a subsequent notice designating any of those matters for oral argument.

IT IS FURTHER ORDERED that the Clerk of the Judicial Panel on Multidistrict Litigation shall direct notice of this hearing session to counsel for all parties involved in the matters on the attached Schedule.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman

SCHEDULE OF MATTERS FOR HEARING SESSION
March 27, 2003 -- Charleston, South Carolina

SECTION A
MATTERS DESIGNATED FOR ORAL ARGUMENT

MDL-1488 -- In re Ford Motor Co. Crown Victoria Police Interceptor Products Liability
Litigation

Motion of defendants Ford Motor Company; Key Ford, Inc.; and Jack Schmitt Ford, Inc., to transfer the following actions to the United States District Court for the Northern District of Ohio (either as part of MDL-1488 or as a new MDL docket):

Eastern District of Arkansas

Ralph Jones v. Ford Motor Co., C.A. No. 5:02-320

Northern District of Florida

Paul W. Abbott, et al. v. Ford Motor Co., et al., C.A. No. 3:02-345

Southern District of Illinois

Michael T. Costello v. Ford Motor Co., et al., C.A. No. 3:02-1122

Eastern District of Texas

Louissette M.F. Woodward v. Ford Motor Co., C.A. No. 9:02-288

MDL-1514 -- In re Electrical Carbon Products Antitrust Litigation

Motion of plaintiffs Lockwood Electric Motor Service of Trenton, NJ; U.S. Material Supply, Inc.; Regional Transit Authority, et al.; Pincus Elevator & Electric Co. Inc.; and Bright Lights USA, Inc., for centralization of the following actions in the United States District Court for the Eastern District of Pennsylvania:

District of New Jersey

South-Land Carbon Products, Inc. v. Morganite, Inc., et al., C.A. No. 1:02-5503
Trupar America, Inc. v. Morganite, Inc., et al., C.A. No. 1:02-5668
Koffler Electrical Mechanical Apparatus Repair, Inc. v. Morganite, Inc.,
C.A. No. 1:02-5678

Eastern District of Pennsylvania

Lockwood Electric Motor Service of Trenton, NJ v. Morganite, Inc., C.A. No. 2:02-8379
U.S. Material Supply, Inc. v. Morganite, Inc., C.A. No. 2:02-8456
Regional Transit Authority, et al. v. Morganite, Inc., et al., C.A. No. 2:02-8506
Pincus Elevator & Electric Co., Inc. v. Morganite, Inc., C.A. No. 2:02-8567
The Port Authority Transit Corp. v. Morganite, Inc., C.A. No. 2:02-8738
Bright Lights USA, Inc. v. Morganite, Inc., C.A. No. 2:02-8866

MDL-1515 -- In re Nifedipine Antitrust Litigation

Motion of defendants Elan Corporation, PLC; Biovail Corporation; and Elan Pharmaceutical Research Corporation for centralization of the following actions in the United States District Court for the District of District of Columbia:

District of District of Columbia

A.F. of L. - A.G.C. Building Trades Welfare Plan v. Biovail Corp., et al.,
C.A. No. 1:02-1343
United Food & Commercial Workers Local 56 Health & Welfare Fund v. Biovail Corp., et al., C.A. No. 1:02-1377
Alvin Shiggs, et al. v. Biovail Corp., et al., C.A. No. 1:02-1777
SAJ Distributors, Inc., et al. v. Biovail Corp., et al., C.A. No. 1:02-1931
Sidney Hillman Health Center of Rochester, Inc. v. Elan Corp., PLC., et al.,
C.A. No. 1:02-2121

Southern District of New York

CVS Meridian, Inc., et al. v. Biovail Corp., et al., C.A. No. 1:02-9089

Eastern District of Pennsylvania

Meijer, Inc., et al. v. Biovail Corp., et al., C.A. No. 2:02-7852

MDL-1516 -- In re Polyester Staple Antitrust Litigation

Motion of defendant Nan Ya Plastics Corporation America for centralization of certain of the following actions in the United States District Court for the Middle District of North Carolina; motion of defendant Arteva Specialties S.a.r.l. for centralization of certain of the following actions in any federal district court in North Carolina or the United States District Court for the District of South Carolina; and motion of New Jersey plaintiffs for centralization of the following actions in the United States District Court for the District of New Jersey:

District of New Jersey

United Shredding Co. v. Nan Ya Plastics Corp., et al., C.A. No. 2:02-4738
Tex Tech Industries, Inc. v. Nan Ya Plastics Corp., America, et al., C.A. No. 2:02-4814
Hollander Home Fashions Corp. v. Nan Ya Plastics Corp., et al., C.A. No. 2:02-4868
Carlee Corp. v. Nan Ya Plastics Corp., et al., C.A. No. 2:02-5170
Carpenter Corp. v. Nan Ya Plastics Corp., et al., C.A. No. 2:02-5171
Green Bay Nonwovens, Inc. v. Nan Ya Plastics Corp., et al., C.A. No. 2:02-5330
Hollinee, LLC v. Nan Ya Plastics Corp., et al., C.A. No. 2:02-5331
Fiber Dynamics, Inc. v. Nan Ya Plastics Corp., et al., C.A. No. 2:02-5332
Doran Mills, L.L.C. v. Nan Ya Plastics Corp., et al., C.A. No. 2:02-5425
Habasit Belting, Inc. v. Nan Ya Plastics Corp., et al., C.A. No. 2:02-5426
J.H.N.Y., Inc. v. Nan Ya Plastics Corp., et al., C.A. No. 2:02-5693

Western District of North Carolina

Spartan International, Inc. v. Nan Ya Plastics Corp., et al., C.A. No. 3:02-450
Thomaston Mills, Inc., etc. v. DuPont E.I. De Nemours & Co., et al., C.A. No. 3:02-474
Penn Bottle & Supply Co., etc. v. Nan Ya Plastics Corp., et al., C.A. No. 3:02-501
Delta Clothing, Inc. v. Wellman, Inc., et al., C.A. No. 3:02-503

District of South Carolina

Marmot Mountain, Ltd. v. Arteva Specialties, LLC, et al., C.A. No. 4:03-144

Western District of Wisconsin

Richard R. Bentley, et al. v. Wellman, Inc., et al., C.A. No. 3:03-16

MDL-1517 -- In re The Gator Corporation Software Trademark & Copyright Litigation

Motion of The Gator Corporation for centralization of the following actions in the United States District Court for the Northern District of California:

Northern District of California

Gator.com Corp. v. L.L. Bean, Inc., C.A. No. 3:01-1126
Gator.com Corp. v. Virtumundo, Inc., C.A. No. 3:01-3167
The Gator Corp. v. Extended Stay America, Inc., C.A. No. 3:02-5226
The Gator Corp. v. PriceGrabber.com, Inc., C.A. No. 3:02-5834
The Gator Corp. v. TigerDirect, Inc., C.A. No. 3:02-5875

Southern District of Florida

TigerDirect, Inc. v. The Gator Corp., C.A. No. 1:02-23615

Northern District of Georgia

United Parcel Service of America, Inc. v. The Gator Corp., C.A. No. 1:02-2639
Six Continents Hotels, Inc., et al. v. The Gator Corp., C.A. No. 1:02-3065

Western District of North Carolina

Lendingtree, Inc. v. The Gator Corp., C.A. No. 3:02-519

District of Oregon

The Gator Corp. v. L.L. Bean, Inc., C.A. No. 3:01-1713

District of South Carolina

Extended Stay America, Inc. v. The Gator Corp., C.A. No. 7:02-3845

Eastern District of Virginia

WashingtonPost.Newsweek Interactive Co., LLC., et al. v. The Gator Corp.,
C.A. No. 1:02-909

MDL-1518 -- In re Allegheny Energy, Inc., Securities Litigation

Motion of plaintiff John C. Moss, IRA for centralization of the following actions in the United States District Court for the District of Maryland:

District of Maryland

John C. Moss, IRA v. Allegheny Energy, Inc., et al., C.A. No. 1:02-3703

Southern District of New York

Joseph P. Shemitz v. Allegheny Energy, Inc., et al., C.A. No. 1:02-8366
William Haines v. Allegheny Energy, Inc., et al., C.A. No. 1:02-8806
Joseph B. Hargroder, M.D. v. Allegheny Energy, Inc., et al., C.A. No. 1:02-8811
Philip H. Cohen v. Allegheny Energy, Inc., et al., C.A. No. 1:02-8838
Stanley A. Friesen v. Allegheny Energy, Inc., et al., C.A. No. 1:02-8986
William H. Barnes, et al. v. Allegheny Energy, Inc., et al., C.A. No. 1:02-9101
Karl Welty v. Allegheny Energy, Inc., et al., C.A. No. 1:02-9159
Anne Shaw v. Allegheny Energy, Inc., et al., C.A. No. 1:02-9243
James S. Keffalas v. Allegheny Energy, Inc., et al., C.A. No. 1:02-9268
Dorothy Kliebert v. Allegheny Energy, Inc., et al., C.A. No. 1:02-9329
Robert Allred v. Allegheny Energy, Inc., et al., C.A. No. 1:02-9508
Richard Hubbard v. Allegheny Energy, Inc., et al., C.A. No. 1:02-9509
Frank Messenger v. Allegheny Energy, Inc., et al., C.A. No. 1:02-9569

MDL-1519 -- In re The Progressive Insurance Corporation Underwriting & Rating Practices
Litigation

Motion of defendants The Progressive Corporation; Progressive Express Insurance Company; Progressive American Insurance Company; Progressive Consumers Insurance Company; Progressive Southeastern Insurance Company; and Progressive Casualty Insurance Company for centralization of the following actions in the United States District Court for the Northern District of Florida:

Northern District of Florida

Cathryn Smith, et al. v. Progressive Corp., et al., C.A. No. 1:00-210

Western District of Louisiana

Paul K. Cooley v. Progressive Insurance Co., et al., C.A. No. 5:02-2384

District of Oregon

Sharele Dikeman, et al. v. Progressive Corp., C.A. No. 3:01-1465

Northern District of Texas

Timothy James Carlson v. Progressive Insurance Co., C.A. No. 3:02-2552

MDL-1520 -- In re National Board of Podiatric Medical Examiners Test Scores Invalidation
Litigation

Motion of defendants National Board of Podiatric Medical Examiners and The Chauncey Group International Ltd. for centralization of the following actions in the United States District Court for the Northern District of Ohio:

Southern District of Florida

John A. Maupin, et al. v. National Board of Podiatric Medical Examiners, et al.,
C.A. No. 1:03-20011

MDL-1520 (Continued)

Northern District of Ohio

*Ohio College of Podiatric Medicine, et al. v. National Board of Podiatric Medical
Examiners, et al.*, C.A. No. 1:02-2435

SECTION B
MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT

MDL-875 -- In re Asbestos Products Liability Litigation (No. VI)

Oppositions of plaintiffs Arnold Alvin Allen, et al., and Hardy L. Cline, et al., to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

Northern District of Georgia

Arnold Alvin Allen, et al. v. Georgia-Pacific Corp., et al., C.A. No. 1:02-2771

Eastern District of Texas

Hardy L. Cline, et al. v. Union Carbide Corp., et al., C.A. No. 6:02-491

MDL-1122 -- In re Jackson National Life Insurance Company Premium Litigation

Opposition of plaintiff Lorean Gwin to transfer of the following action to the United States District Court for the Western District of Michigan:

Southern District of Mississippi

Lorean Gwin v. Jackson National Life Insurance Co., et al., C.A. No. 3:02-1620

MDL-1148 -- In re Latex Gloves Products Liability Litigation

Opposition of defendant Ansell Healthcare Products, Inc., to remand, under 28 U.S.C. § 1407(a), of the following action to the United States District Court for the District of Oregon:

Eastern District of Pennsylvania

Kellie J. Clift, et al. v. Baxter International, Inc., et al., C.A. No. 2:98-1968 (D. Oregon, C.A. No. 3:98-178)

MDL-1203 -- In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products Liability Litigation

Oppositions of plaintiffs and defendants Kynard Adams, M.D., and Luis Fernando Franco, M.D., to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

Middle District of Alabama

Yuvonne B. Wilson v. Wyeth, et al., C.A. No. 2:02-1391

Northern District of Alabama

Fredda Rainey v. Wyeth, et al., C.A. No. 2:02-3000
Marilyn Bell v. Wyeth, et al., C.A. No. 2:02-3136

Middle District of Florida

Charlene Thomas v. American Home Products Corp., et al., C.A. No. 8:02-2147

Eastern District of Kentucky

Heather Johnson v. Wyeth, et al., C.A. No. 5:02-477

MDL-1203 (Continued)

Eastern District of Louisiana

Silvina Wilson, et al. v. Wyeth Co., et al., C.A. No. 2:02-3025
Ronald Breaux, et al. v. Wyeth Co., et al., C.A. No. 2:02-3086
Norma Brisco, et al. v. Wyeth Co., et al., C.A. No. 2:02-3144
Rose Hitchen, et al. v. Wyeth, Inc., et al., C.A. No. 2:02-3146
Roselyn Daigle, et al. v. Wyeth Co., et al., C.A. No. 2:02-3163
Linda Drummer, et al. v. Wyeth Co., et al., C.A. No. 2:02-3224
Kenneth Smith v. Wyeth Co., et al., C.A. No. 2:02-3225
Elizabeth Fabre, et al. v. Wyeth Co., et al., C.A. No. 2:02-3374
Helene Benn, et al. v. Wyeth Co., et al., C.A. No. 2:02-3447
Paula Armstrong, et al. v. Wyeth Co., et al., C.A. No. 2:02-3448
Bobbie L. Williams, et al. v. Wyeth Co., et al., C.A. No. 2:02-3460
Tim Gallagher v. Wyeth Co., et al., C.A. No. 2:02-3480
Grace King, et al. v. Wyeth Co., et al., C.A. No. 2:02-3491
Alan Smith, et al. v. Wyeth Co., et al., C.A. No. 2:02-3498

Northern District of Mississippi

Kathy Morton v. Wyeth, et al., C.A. No. 1:02-432

Southern District of Mississippi

Rebecca Hudson, et al. v. American Home Products Corp., et al., C.A. No. 2:02-855
Dorothy Winters, et al. v. Wyeth, et al., C.A. No. 3:02-1559
Richard H. Mitchell v. Wyeth, et al., C.A. No. 4:02-460

District of Oregon

Donna Chapman v. A.H. Robins Co., Inc., et al., C.A. No. 1:02-1641

Southern District of Texas

Marilyn Crislip v. Maha K. Al-Lahiq, M.D., et al., C.A. No. 3:02-752
Judith B. Bristley v. Wyeth, et al., C.A. No. 4:02-4264
Lucidio Garza v. Wyeth, et al., C.A. No. 7:02-528

MDL-1203 (Continued)

Eastern District of Virginia

Linda Wiggins v. Wyeth, et al., C.A. No. 2:02-889
Cynthia Kanode v. Wyeth, et al., C.A. No. 3:02-821
Ida Haynes v. Wyeth, et al., C.A. No. 3:02-822
Ruth Higginbottom v. Wyeth, et al., C.A. No. 3:02-824
Linda Trisvan v. Wyeth, et al., C.A. No. 3:02-829
Thomas Jarrell v. Wyeth, et al., C.A. No. 3:02-832

MDL-1214 -- In re Great Southern Life Insurance Company Sales Practices Litigation

Opposition of plaintiff Richard A. Driskill to transfer of the following action to the United States District Court for the Northern District of Texas:

Middle District of Alabama

Richard A. Driskill v. Great Southern Life Insurance Co., et al., C.A. No. 2:02-1174

MDL-1296 -- In re Alliance Equipment Lease Program Securities Litigation

Motion of plaintiffs Ruth R. Floyd, et al., to remand, under 28 U.S.C. § 1407(a), the following action to the United States District Court for the Middle District of Tennessee:

Southern District of California

Ruth R. Floyd, et al. v. Royal Indemnity Co., et al., C.A. No. 3:99-2625 (M.D. Tennessee, C.A. No. 3:99-139)

MDL-1334 -- In re Managed Care Litigation

Opposition of plaintiff Ahmad Imtiaz, M.D., to transfer of the following action to the United States District Court for the Southern District of Florida:

Eastern District of Pennsylvania

Ahmad Imtiaz, M.D. v. Aetna U.S. Healthcare, et al., C.A. No. 2:02-8673

MDL-1335 -- In re Tyco International, Ltd., Securities Litigation

Oppositions of plaintiffs Tyco International, Ltd., et al., and defendant Frank E. Walsh, Jr., to transfer of their respective following actions to the United States District Court for the District of New Hampshire:

Southern District of New York

Tyco International, Ltd. v. Frank E. Walsh, Jr., C.A. No. 1:02-4633

Tyco International, Ltd., et al. v. Mark A. Belnick, C.A. No. 1:02-4644

Tyco International, Ltd., et al. v. Dennis L. Kozlowski, C.A. No. 1:02-7317

MDL-1348 -- In re Rezulin Products Liability Litigation

Oppositions of plaintiffs and defendants John J. Varenholt, M.D., and West Florida Medical Center Clinic, P.A., to transfer of their respective following actions to the United States District Court for the Southern District of New York:

Middle District of Florida

Dollie Barrington, et al. v. Warner-Lambert Co., et al., C.A. No. 3:02-992

Ora Clark, et al. v. Warner-Lambert Co., et al., C.A. No. 6:02-1275

Anthony DeAngelo, et al. v. Warner-Lambert Co., et al., C.A. No. 8:02-1980

David Atkins, et al. v. Warner-Lambert Co., et al., C.A. No. 8:02-2001

MDL-1348 (Continued)

Northern District of Florida

Roberta Arnold, et al. v. Warner-Lambert Co., et al., C.A. No. 3:02-454

Eleanor Ivanowski, et al. v. Warner-Lambert Co., et al., C.A. No. 3:02-455

Southern District of Florida

Juanita Alexander, et al. v. Warner-Lambert Co., et al., C.A. No. 0:02-61510

Northern District of Mississippi

Rose Brown v. Warner-Lambert Co., et al., C.A. No. 4:02-236

Southern District of Mississippi

Larry Holmes v. Warner-Lambert Co., et al., C.A. No. 2:02-790

Southern District of Texas

Maria Elena Avila v. Pfizer, Inc., et al., C.A. No. 1:02-217

Jeri Lynn Pilgrim, et al. v. Parke-Davis, et al., C.A. No. 7:02-485

Quirino Cano, et al. v. Parke-Davis, et al., C.A. No. 7:02-506

MDL-1355 -- In re Propulsid Products Liability Litigation

Opposition of plaintiffs Barbara Love, et al., to transfer of the following action to the United States District Court for the Eastern District of Louisiana:

Southern District of Mississippi

Barbara Love, et al. v. Johnson & Johnson Co., et al., C.A. No. 3:02-1564

MDL-1373 -- In re Bridgestone/Firestone, Inc., Tires Products Liability Litigation

Opposition of defendant Budget Rent A Car Systems, Inc., to transfer of the following action to the United States District Court for the Southern District of Indiana:

Eastern District of California

Dionne Anderson, et al. v. Budget Rent A Car, et al., C.A. No. 1:02-6275

MDL-1377 -- In re Dippin' Dots, Inc., Patent Litigation

Oppositions of plaintiffs Frosty Bites, Inc., et al., and The Frosty Bites Distribution Parties in MDL-1377 to transfer of the following action to the United States District Court for the Northern District of Georgia:

Northern District of Texas

Frosty Bites, Inc., et al. v. Dippin' Dots, Inc., C.A. No. 3:01-1532

MDL-1382 -- In re Unitrin, Inc., Industrial Life Insurance Litigation

Motion of plaintiffs Shirley Cork and Geneva McDonald to remand, under 28 U.S.C. § 1407(a), the following actions to their respective transferor courts:

Eastern District of Louisiana

Shirley Cork v. Unitrin, Inc., et al., C.A. No. 2:02-529 (N.D. Mississippi,
C.A. No. 4:01-200)

Geneva McDonald v. Unitrin, Inc., et al., C.A. No. 2:02-1918 (S.D. Mississippi,
C.A. No. 2:01-345)

MDL-1387 -- In re ProteGen Sling and Vesica System Products Liability Litigation

Opposition of plaintiff Inge Christman to transfer of the following action to the United States District Court for the District of Maryland:

District of New Mexico

Inge Christman v. Lovelace Health Systems, Inc., et al., C.A. No. 6:02-1498

MDL-1390 -- In re Life Insurance Co. of Georgia Industrial Life Insurance Litigation

Opposition of plaintiffs Robert A. Gates, Jr.; Dorothy Gates; and Mary Lou Rice, et al., to transfer of their respective following actions to the United States District Court for the Eastern District of Louisiana:

Southern District of Mississippi

Robert A. Gates, Jr. v. Life Insurance Co. of Georgia, C.A. No. 1:02-806

Dorothy Gates v. Life Insurance Co. of Georgia, C.A. No. 1:02-807

Mary Lou Rice, et al. v. Life Insurance Co. of Georgia, et al., C.A. No. 4:02-455

MDL-1407 -- In re Phenylpropanolamine (PPA) Products Liability Litigation

Oppositions of plaintiffs Ella Richardson; Gloria Jean Griffin; Ruby Cunningham; Mary Coats Wilkinson, et al.; Phillip Brown; Carol Adams; Deann Fetzer, et al.; Troy Alexander, et al.; Sharon Lemon, et al.; and Anna Faye Miller to transfer of their respective following actions to the United States District Court for the Western District of Washington:

Northern District of Alabama

Ella Richardson v. Bayer Corp., et al., C.A. No. 7:02-2940

Southern District of Alabama

Gloria Jean Griffin v. Wyeth, et al., C.A. No. 1:02-815

MDL-1407 (Continued)

Northern District of Mississippi

Ruby Cunningham v. Bayer Corp., et al., C.A. No. 2:02-260
Mary Coats Wilkinson, et al. v. American Home Products Corp., et al.,
C.A. No. 2:02-261

Eastern District of Pennsylvania

Phillip Brown v. Chattem, Inc., et al., C.A. No. 2:02-8843

Eastern District of Texas

Carol Adams v. Chattem, Inc., et al., C.A. No. 6:02-587

Southern District of Texas

Deann Fetzer, et al. v. Chattem, Inc., et al., C.A. No. 4:02-4891

Western District of Texas

Troy Alexander, et al. v. Novartis Consumer Health, Inc., et al., C.A. No. 1:02-781
Sharon Lemon, et al. v. Chattem, Inc., et al., C.A. No. 1:02-800
Anna Faye Miller v. Chattem, Inc., et al., C.A. No. 1:02-801

MDL-1409 -- In re Currency Conversion Fee Antitrust Litigation

Opposition of plaintiff Gilbert Schrank to transfer of the following action to the United States District Court for the Southern District of New York:

Eastern District of New York

Gilbert Schrank v. Citibank (South Dakota), N.A., C.A. No. 1:02-6498

MDL-1429 -- In re American General Life & Accident Insurance Co. Industrial Life Insurance
Litigation

Opposition of plaintiff Walter Benjamin to transfer of the following action to the United States District Court for the District of South Carolina:

Southern District of Alabama

Walter Benjamin v. American General Life & Accident Insurance Co., et al.,
C.A. No. 2:02-811

MDL-1446 -- In re Enron Corp. Securities, Derivative & "ERISA" Litigation

Oppositions of plaintiffs Connecticut Resources Recovery Authority and PERS of Mississippi, et al., and defendants J.P. Morgan Chase & Company, Inc.; Citigroup, Inc.; Merrill Lynch & Company, Inc.; Barclays Capital, Inc.; Standard & Poor's Credit Market Services; Moody's Investors Service, Inc.; Fitch, Inc.; Murtha Cullina, LLP; Hawkins, Delafield & Wood; and LeBoeuf, Lamb, Greene & MacRae, LLP to transfer of their respective following actions to the United States District Court for the Southern District of Texas:

District of Connecticut

Connecticut Resources Recovery Authority v. Kenneth L. Lay, et al., C.A. No. 3:02-2095
CT Resources Recovery Authority v. Kenneth L. Lay, et al., C.A. No. 3:02-2107
CT Resources Recovery Authority v. Murtha Cullina, LLP, et al., C.A. No. 3:03-79

Southern District of Mississippi

PERS of Mississippi, et al. v. Kenneth L. Lay, et al., C.A. No. 3:02-1704

MDL-1456 -- In re Pharmaceutical Industry Average Wholesale Price Litigation

Oppositions of plaintiffs Peter Virag and Ronald E. Turner to transfer of their respective following actions to the United States District Court for the District of Massachusetts:

Central District of California

Peter Virag v. Allergan, Inc., et al., C.A. No. 2:02-8417

Northern District of California

Ronald E. Turner v. Abbott Laboratories, et al., C.A. No. 3:02-5006

MDL-1466 -- In re PrimeVision Health, Inc., Contract Litigation

Oppositions of defendants Tri-County Eye Institute; Mark E. Schneider, M.D.; Robert M. Thomas, Jr., M.D.; Robert M. Thomas, Jr., M.D., A Medical Corporation; Jeffrey P. Wasserstrom, M.D.; Jeffrey P. Wasserstrom, M.D., A Medical Corporation; Lawrence S. Rice, M.D.; Lawrence S. Rice, A Medical Corporation; The Milne Eye Medical Center, PC; and Milton J. Milne, M.D., to transfer of their respective following actions to the United States District Court for the Western District of Kentucky:

Central District of California

PrimeVision Health, Inc. v. The Brinkenhoff Eye Medical Center, Inc., et al.,
C.A. No. 5:02-1170

Southern District of California

PrimeVision Health, Inc. v. Robert M. Thomas, Jr., M.D., et al., C.A. No. 3:02-2098

District of Maryland

PrimeVision Health, Inc. v. The Milne Eye Medical Center, PC, et al.,
C.A. No. 8:02-3502

MDL-1467 -- In re Tri-State Crematory Litigation

Opposition of defendants Turner Funeral Home, Inc.; Mike J. Turner; Virginia Turner; Larry T. Dowden; and Robert K. Schrader to transfer of the following action to the United States District Court for the Northern District of Georgia:

Eastern District of Tennessee

National Grange Mutual Insurance Co. v. Turner Funeral Home, Inc., et al.,
C.A. No. 1:02-298

MDL-1472 -- In re Global Crossing Ltd. Securities & "ERISA" Litigation

Opposition of plaintiff Michael A. Bernstein Profit Sharing Plan to transfer of the following action to the United States District Court for the Southern District of New York:

Central District of California

Michael A. Bernstein Profit Sharing Plan v. Gary Winnick, et al., C.A. No. 2:02-8630

MDL-1481 -- In re Meridia Products Liability Litigation

Opposition of plaintiff Alice Titus to transfer of the following action to the United States District Court for the Northern District of Ohio:

Southern District of Texas

Alice Titus v. Kent Tompkins, M.D., et al., C.A. No. 2:02-498

MDL-1484 -- In re Merrill Lynch & Co., Inc., Research Reports Securities Litigation

Oppositions of plaintiffs Joseph D. Brasher, et al., and William H. Durham, M.D., to transfer of their respective following actions to the United States District Court for the Southern District of New York:

Eastern District of Michigan

Joseph D. Brasher, et al. v. Merrill Lynch & Co., Inc., et al., C.A. No. 4:02-40308

Southern District of Mississippi

William H. Durham, M.D. v. Merrill Lynch & Co., Inc., et al., C.A. No. 2:02-817

Motion of defendants Merrill Lynch Focus Twenty Fund, Inc.; Fund Asset Management L.P.; and Merrill Lynch Pierce Fenner & Smith, Inc., to transfer the following action to the United States District Court for the Southern District of New York:

Southern District of Florida

Festus & Helen Stacy Foundation, Inc. v. Merrill Lynch Focus Twenty Fund, Inc., et al.,
C.A. No. 0:02-60294

MDL-1487 -- In re WorldCom, Inc., Securities & "ERISA" Litigation

Oppositions of plaintiffs Roscoe Wallace, et al., and IQ Holdings, Inc., to transfer of their respective following actions to the United States District Court for the Southern District of New York:

Northern District of Georgia

Roscoe Wallace, et al. v. WorldCom, Inc., et al., C.A. No. 1:02-2854

Southern District of Texas

IQ Holdings, Inc. v. Arthur Andersen, LLP, et al., C.A. No. 4:02-3850

MDL-1490 -- In re Commercial Money Center, Inc., Equipment Lease Litigation

Opposition of plaintiff United Security Bank to transfer of the following action to the United States District Court for the Northern District of Ohio:

Eastern District of California

United Security Bank v. American Motorists Insurance Co., C.A. No. 1:02-6447

MDL-1491 -- In re African-American Slave Descendants Litigation

Opposition of plaintiffs Timothy Hurdle, et al., to transfer of the following action to the United States District Court for the Northern District of Illinois:

Northern District of California

Timothy Hurdle, et al. v. FleetBoston Financial Corp., et al., C.A. No. 3:02-4653

PROCEDURES FOR ORAL ARGUMENT BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

All oral argument is governed by the provisions of Rule 16.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation (effective April 2, 2001). Rule 16.1(g) allows a maximum of twenty minutes for oral argument in each matter. In most cases, however, less time is necessary for the expression of all views and the Panel reserves the prerogative of reducing the time requested by counsel. Accordingly, counsel should be careful not to overstate the time requested for oral argument.

The Panel insists that counsel limit all oral argument to the appropriate criteria. See generally In re “East of the Rockies” Concrete Pipe Antitrust Cases, 302 F. Supp. 244, 255-56 (J.P.M.L. 1969) (concurring opinion) (discussion concerning criteria for transfer).

Rule 16.1 is duplicated in its entirety hereafter for your convenience.

RULE 16.1: HEARING SESSIONS AND ORAL ARGUMENT

(a) Hearing sessions of the Panel for the presentation of oral argument and consideration of matters taken under submission without oral argument shall be held as ordered by the Panel. The Panel shall convene whenever and wherever desirable or necessary in the judgment of the Chairman. The Chairman shall determine which matters shall be considered at each hearing session and the Clerk of the Panel shall give notice to counsel for all parties involved in the litigation to be so considered of the time, place and subject matter of such hearing session.

(b) Each party filing a motion or a response to a motion or order of the Panel under Rules 7.2, 7.3, 7.4 or 7.6 of these Rules may file simultaneously therewith a separate statement limited to one page setting forth reasons why oral argument should, or need not, be heard. Such statements shall be captioned "Reasons Why Oral Argument Should [Need Not] Be Heard," and shall be filed and served in conformity with Rules 5.12 and 5.2 of these Rules.

(c) No transfer or remand determination regarding any action pending in the district court shall be made by the Panel when any party timely opposes such transfer or remand unless a hearing session has been held for the presentation of oral argument except that the Panel may dispense with oral argument if it determines that:

- (i) the dispositive issue(s) have been authoritatively decided; or
- (ii) the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument.

Unless otherwise ordered by the Panel, all other matters before the Panel, such as a motion for reconsideration, shall be considered and determined upon the basis of the papers filed.

(d) In those matters in which oral argument is not scheduled by the Panel, counsel shall be promptly advised. If oral argument is scheduled in a matter the Clerk of the Panel may require counsel for all parties who wish to make or to waive oral argument to file and serve notice to that effect within a stated time in conformity with Rules 5.12 and 5.2 of these Rules. Failure to do so shall be deemed a waiver of oral argument by that party. If oral argument is scheduled but not attended by a party, the matter shall not be rescheduled and that party's position shall be treated as submitted for decision by the Panel on the basis of the papers filed.

(e) Except for leave of the Panel on a showing of good cause, only those parties to actions scheduled for oral argument who have filed a motion or written response to a motion or order shall be permitted to appear before the Panel and present oral argument.

(f) Counsel for those supporting transfer or remand under Section 1407 and counsel for those opposing such transfer or remand are to confer separately prior to the oral argument for the purpose of organizing their arguments and selecting representatives to present all views without duplication.

(g) Unless otherwise ordered by the Panel, a maximum of twenty minutes shall be allotted for oral argument in each matter. The time shall be divided equally among those with varying viewpoints. Counsel for the moving party or parties shall generally be heard first.

(h) So far as practicable and consistent with the purposes of Section 1407, the offering of oral testimony before the Panel shall be avoided. Accordingly, oral testimony shall not be received except upon notice, motion and order of the Panel expressly providing for it.

(i) After an action or group of actions has been set for a hearing session, consideration of such action(s) may be continued only by order of the Panel on good cause shown.